

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

A Listing of Claims is provided for the Examiner's convenient reference.

Claims 1-3, 5-8, 10, 11, 14, 15, 16, 18 and 20-23 were rejected under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by Shaffer (EP 0 848 560) in view of Mockett et al. (U.S. Patent Publication No. 2001/0037359). Applicants respectfully traverse this rejection.

Claim 1 calls for a communication system that includes an information server and *a communication apparatus that is provided as an integrated unit* and includes communication circuitry capable of performing communication with the information server in first and second communication modes *to receive information sent from the information server in response to an information acquisition request generated by the communication apparatus and communicated to the information server via the communication circuitry*. The communication apparatus further includes *an output device for outputting the information received from the information server*. A non-limiting example embodiment of this communication system is shown in Figure 1 in which a communication apparatus 1 communicates with an information server 2. The communication apparatus may, for example, be a mobile terminal. Claim 1 further calls for the communication apparatus to include a connection information storage section and a communication mode switching section for controlling the switching of communication mode with the information server from a first communication mode to a second communication mode.

As previously discussed, there is no disclosure or suggestion in Shaffer, for example, of a communication apparatus which performs communication with an information server and which is provided as an integrated unit and includes a connection information storage section, a communication mode switching control section and an output device as claimed. Moreover, Mockett et al. is similarly deficient with respect to the claimed communication apparatus and thus the proposed combination of Mockett et al. and Shaffer could not have resulted in the system of claim 1.

Mockett et al. discloses a system including an intermediary server configured for communication over a packet-switched network positioned between a user computer and a destination computer, wherein the intermediary server computer comprises a server-side browser

(SSB) configured for filtering information transmitted between the user computer and the destination server computer in accordance with a user's preferences. See, e.g., Mockett et al., paragraph [0007]. Even assuming for the sake of argument that Shaffer were modified to include the SSB of Mockett et al., the system of claim 1 would not result.

The office action contends that Mockett et al. teaches a communication apparatus that is provided as an integrated unit and is capable of performing communication in different modes. However, Applicants find no such description in Mockett et al. Among other things, the portions of Mockett et al. referenced in the office action (i.e., Figures 2 and 4 and paragraphs [0025] and [0057]) do not mention different communication modes.

In particular, Mockett et al. discloses that ISP 108, SSB server computer 250 and destination server computer 112 all communicate through the Internet 102 using transmission control protocol/Internet protocol (TCP/IP) or some derivative thereof, but there is no disclosure or suggestion that the communication apparatus is capable of performing communication in different communication modes as set forth in claim 1. Figure 2 is a block diagram of a system incorporating an SSB. This browser is shown as communicating with web pages 110, but there is no mention that such communication involves different modes. Figure 4 is a flow diagram of accessing customized information from the internet in which a user logs into the SSB. Here again, the SSB is described as requesting and receiving information from a web site, but there is no mention of different communication modes. Paragraph [0025] describes that an embodiment of the SSB is a web site and there is no mention of here of different communication modes. Paragraph [0057] mentions maintaining a browsing history and that search sessions may be saved so that a user can resume or review a search at a later time. Here again, there is no mention of different communication modes. Even if the browsing history is viewed as stored "connection information", there is nothing in Mockett et al. about connecting to a server in different communication modes as claimed.

In short, Shaffer discloses the switching of communication modes, but is deficient with respect to a communication apparatus which performs communication with an information server and which is provided as an integrated unit and includes a connection information storage section, a communication mode switching control section and an output device as claimed. Mockett et al. is directed to an SSB server computer, but there is no disclosure this server computer communicates with an information server in different communication modes.

Accordingly, even if Mockett et al. was to be combined with Shaffer, the subject matter of claim 1 would not result.

Because Mockett et al. does not remedy the deficiencies of Shaffer, claim 1 patentably distinguishes from the combination of these references.

Independent claims 10 and 11 each call for a communication apparatus which is provided as an integrated unit and includes a communication mode switching control section, wherein, among other things, the communication apparatus generates an information acquisition request and communicates the request to an information server and includes an output device for outputting information received from the information server. Shaffer and Mockett et al. are likewise deficient with respect to these claims for reasons similar to those advanced above with respect to claim 1.

Claim 15 requires that the communication section, the storage section, the output device and the communication mode switching control section of the communication apparatus be embodied in a portable terminal. Claim 15 patentably distinguishes from the proposed Shaffer-Mockett et al. combination for reasons similar to those advanced with respect to claim 1.

Moreover, nothing in the referenced portions of Shaffer and Mockett et al. are suggestive of a portable terminal as required by claim 15. In particular, as acknowledged in the office action, Shaffer discloses that communication mode switching is performed by equipment disposed between remote sites that are performing communication. As is plainly evident from Figure 2, the manager device of Shaffer is disposed in the communication path between the remote sites 46, 48 and 50. Thus, providing the Shaffer Figure 2 mode switching equipment as a “portable computer” would not result in the claimed portable terminal because this equipment would not, for example, generate an information acquisition request or include an output device for outputting the information received as a result of this request. Moreover, providing the unshown equipment at the remote sites as a “portable computer” would not result in the claimed portable terminal because this equipment would not, for example, include the communication mode switching control section.

The dependent claims 2, 3, 5-8, 14, 18 and 20-23 are believed to be allowable because of their respective dependencies and because of the additional patentable features recited therein.

By way of example without limitation, the office action references column 8, lines 3-22 and 37-45 of Shaffer in connection with claim 2, which requires that the communication

apparatus include a switching condition storage section for storing a determination reference value, and that the communication mode switching control section compares an amount of information to be acquired from the information server and the determination reference value, and determines whether or not to execute switching of communication mode based on a result of the comparison.

The first referenced portion of column 8 is about determining “whether a higher quality of service is available for individual sessions without exceeding the determined acceptable session tariff” and mentions “switch[ing] the session to the mode that offers the higher quality.” The cost of switching connectivity is also described as being factored into the determination of whether the mode switch is desirable. There is nothing in this description relating to an amount of information to be acquired from an information server or of determining whether to switch communication modes based on a comparison of this amount with some reference value.

The second referenced portion of column 8 is about comparing quality of service requirements of a session to pre-established quality of service guarantees. Shaffer does not associate quality of service with an amount of information to be acquired and thus, here again, there is nothing in this description relating to an amount of information to be acquired from an information server or of determining whether to switch communication modes based on a comparison of this amount with some reference value.

Because of these deficiencies, the proposed combination of Shaffer and Mockett et al. would not have made claim 2 obvious.

By way of further example without limitation, claim 14 requires that after a specified time has elapsed since information acquisition in a second communication mode is completed, the communication mode switching control section automatically disconnects the communication in the second communication mode, and again established a connection with an information server in a first communication mode. The office action references Shaffer's disclosure at col. 3, lines 21-26 in connection with this feature. However, this referenced disclosure only mentions re-establishing links after a link failure. There is no disclosure here of

an automatic disconnection by a control section at some time after information acquisition is completed as claimed.¹

By way of still further example without limitation, claim 18 requires that the mode switching control section controls switching based on an instructions signal from the information server. The office action references Shaffer's disclosure at col. 4, lines 29-45 in connection with this feature. However, this referenced disclosure does not mention the involvement of an information server in the switching process.

Claim 4 was rejected under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by the proposed Shaffer-Mockett et al. combination, in further view of Kunz (U.S. Patent No. 6,223,221). As noted in the office action, Kunz discloses at col. 2, lines 15 et seq. the concept of determining a download time by measuring the time between the sending of a "ping" request from a client and receipt of an acknowledgement by a server in order to determine which ones of multiple servers will permit the fastest download. However, neither Kunz nor the other applied references would have led one of ordinary skill in the art to calculate download times in different communication modes with the same information server as specified in claim 4 and, based on these respective download times and stored communication charges, determining whether or not to execute the switching of communication modes with the server.

Claim 9 was rejected under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by the proposed Shaffer-Mockett et al. combination, in further view of Watson (U.S. Patent No. 6,631,409). Watson describes certain overrides in the context of "warning/error look and feel" and it is difficult to conceive how this concept is applicable to the Shaffer-Mockett et al. combination. Moreover, the proposed combination provides no disclosure with respect to a communication mode switching instruction from an information server and thus the proposed combination is further deficient in this regard with respect to claim 9.

Claims 12 and 13 were rejected under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by the proposed Shaffer-Mockett et al. combination, in further view of Davis (U.S. Patent No. 5,583,922). The referenced col. 7 disclosure of Davis refers to switching between voice and data mode for a data transmission operation. To the extent this concept is applicable to

¹ Applicant also notes that page 13 of the office action states that Shaffer-Mockett "does not specifically teach the automatic disconnection of a communication mode, after the information acquisition in this mode has been completed."


DEMOTO et al.
Serial No. 09/901,125
Response to Office Action dated April 20, 2007

the Shaffer-Mockett combination, the result will still be deficient with respect to the claim 1 features as noted above. Moreover, claim 13 calls for a mode switching instruction from an information server and this feature is not contained in the proposed combination of references.

Claim 19 was rejected under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by the proposed Shaffer-Mockett et al. combination, in further view of McLain (U.S. Patent No. 6,493,758). McLain is alleged in the office action to disclose discontinuation of a download if a data limit is exceeded. This disclosure is not in the context of switching and is not suggestive of the claim 19 feature of controlling switching based on a comparison between an amount to be acquired and a reference amount.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: 
Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100